

### III. AMENDMENT TO THE CLAIMS

- Amendments Made Herein

- Please cancel claims 3 - 4, 6, 10 - 17, 19 - 20 and 29.
- Please add new claims 31 - 36.

- Status of Claims After Incorporation of Amendments Made Herein

- Claims 1, 2, 5, 7 - 9, 18, 21 - 28, 30, and 31 - 36 remain in the application after the amendments made herein are transacted. It is asserted that amendments, cancellations, and revisions made herein are made for the purpose of streamlining prosecution in this case to embodiments of present interest to the applicants and therefore are transacted without prejudice. Applicants specifically retain the right to prosecute such amended or cancelled claims in any continuation application, or the like, that it may file in the future, and does not disclaim any right to such embodiments.

- COMPLETE LIST OF CLAIMS THAT ARE OR HAVE BEEN BEFORE THE OFFICE AFTER ENTRANCE OF THE AMENDMENTS MADE HEREIN

The following claims constitute a complete list of claims that are or have been before the office after entrance of the amendments made herein. Amendments to the claims are indicated in accord with Revised 37 C.F.R. §1.121. In accord with such regulation, the listing of claims set forth below replaces all prior versions, and listings, of claims in the application:

1. (Currently Amended) A method over a data network for an advertiser to fill order an advertisement in an advertising spot which is to be directed to for an advertisement over a data network to be transmitted to a plurality of one or more target users during transmission of a motion picture, said method comprising:

receiving from ~~an~~ said advertiser over said data network input in respect of a plurality of one or more predetermined profile constraints, said input pertaining to the desirability in regard to each predetermined profile constraint to said advertiser of reaching target users possessing such predetermined profile constraint; defining the one or more target users;

searching an individual inventory containing profile information related to a plurality of individuals to determine a plurality of target users having a profile encompassing one or more of said desired profile constraints;

determining a price for the advertising spot using the one or more predetermined constraints; and

transmitting to the advertiser, the price for the advertiser's acceptance, rejection, or counteroffer;

determining the cost to said advertiser for accepting said advertisement in said advertising spot, and delivering the same to said plurality of target users, based on the degree of correspondence for each target user between the target user's profile and the advertiser's desire for transmission of the advertisement with respect to each of said predetermined profile constraints.

2. (Currently Amended) The method of claim 1, wherein the said one or more predetermined constraints are demographic information selected from the group consisting of, including at least one of gender, income, hobby, and age.

3. (Canceled)

4. (Canceled)

5. (Currently Amended) The method of claim [4] 1, wherein ~~the predetermined formula~~ said step of determining comprises:

~~apportioning a weighted significance to a saturation level, an age, an income, a gender, and a hobby of each of the one or more target users, the saturation level corresponding to a demand for each target user to receive the advertisement.~~

~~accessing an index of each of said predetermined constraints associated with each of said plurality of target users;~~

~~specifying, by the advertiser, a coefficient of each of said predetermined constraints associated with each of said plurality of target users;~~

~~determining a demand for each of said target users based on said index and said coefficient;~~

~~calculating an individual price for delivering the advertisement to each of said plurality of target users based on the demand for that particular target user; and~~

~~computing the price for delivering said advertisement to said plurality of target users based on the calculated individual prices.~~

6. (Canceled)

7. (Currently Amended) A method for determining a price for an advertising spot for ~~transmitting~~ delivering an advertisement to one or more target users during a motion picture, comprising:

~~receiving, from an advertiser over a data network, one or more predetermined constraints defining desired characteristics of the said one or more target users that the advertiser desires to receive the advertisement to whom said advertiser desires to deliver an advertisement using said advertising spot;~~

~~searching an individual inventory containing individual profile information pertaining to a plurality of individuals, each of the plurality of individuals associated with a profile;~~

~~comparing each of the profiles of the plurality of individuals to the one or more predetermined constraints to the profiles of the plurality of individuals to locate matches between the profiles of the plurality of individuals and the one or more predetermined constraints, the matches identifying the one or more target users; identify said one or more target users whose profiles match the one or more predetermined constraints;~~

~~determining from the matches a price for transmitting the advertisement to the one or more target users based on a predetermined formula; and~~

~~determining the cost to said advertiser for accepting said advertisement in said advertising spot, and delivering the same to said one or more target users, based on the degree of correspondence for each target user between the target user's profile and the advertiser's desires for transmission of the advertisement with respect to each of said predetermined profile constraints; and~~

~~transmitting, to the said advertiser over the data network, the price for the advertiser's acceptance, rejection, or counteroffer.~~

8. (Currently Amended) A system for ordering an advertising spot for an advertisement for transmission by a broadcaster over a data network to be transmitted to one or more target users during transmission of a motion picture, comprising:

a broadcast server programmed configured to

receive, from an advertising client over a data network, one or more predetermined constraints defining desired characteristics of the one or more target users to whom the advertiser desires to deliver said advertisement using said advertising spot,

search an individual inventory containing profile information related to a plurality of individuals, each of the plurality of individuals having a profile,

compare the said one or more predetermined constraints to the said profiles information of said of the plurality of individuals to locate matches between the one or more predetermined constraints and the profiles of the plurality of individuals, the matches identifying the one or more target users identify the one or more target users whose profiles match the one or more predetermined constraints,

~~determine from the matches, according to said identified one or more target users, the a price for transmitting delivering the advertisement to the identified one or more target users based on a predetermined formula; said price to said advertiser for delivering said advertisement in said advertising spot, and delivering the same to one or more target users, based on the degree of correspondence for each target user between the target user's profile and the advertiser's desire for transmission of the advertisement with~~

respect to each of said predetermined profile constraints and the relative importance of the target user in the individual inventory to said broadcaster of said advertisement, and

transmit, to the advertiser client over the data network, the price for the advertiser's acceptance, rejection, or counteroffer.

9. (Currently Amended) ~~A computer-readable medium having computer instructions stored thereon that, when loaded into a computer system, cause the computer system~~ An article with readable medium having instructions stored therein that, when executed by a machine, cause the machine to perform a method for ordering selecting an advertising spot for an advertisement over a data network to be transmitted to one or more target users during transmission of a motion picture, the method comprising the method comprising:

receiving, from an advertiser over a data network, one or more predetermined constraints defining desired characteristics of the one or more target users to whom the advertiser desires to deliver said advertisement for placement in an advertising spot;

determining a price for the said advertising spot using based on the one or more predetermined constraints, and the relative desirability to advertisers of persons having said one or more predetermined constraints ;

transmitting, to the said advertiser over the data network, the price for the said advertising spot; and

receiving an order from the said advertiser over the data network for the said advertising spot.

10. (Canceled)

11. (Canceled)

12. (Canceled)

13. (Canceled)

14. (Canceled)

15. (Canceled)

16. (Canceled)

17. (Canceled)

18. (Currently Amended) A system for determining a price for an advertising spot embedded within motion picture content comprising:

means for receiving, from an advertiser over a data network, one or more predetermined constraints defining desired characteristics of one or more target users that the advertiser desires to receive an advertisement to whom the advertiser desires to deliver an advertisement that fills the said advertising spot;

means for determining a price for the said advertising spot using based on the said one or more predetermined constraints including the relative importance of the target user to the broadcaster of the content in which said advertising spot is associated and the relative importance of the target user to the advertiser; and

D1 means for transmitting, to said advertiser over the data network, an offer to the advertiser to purchase the said advertising spot at the determined price.

19. (Canceled)

20. (Canceled)

21. (Currently Amended) The system of claim 1918, wherein the predetermined formula accounts for said means for determining a price takes into account a supply and demand for the said plurality of individuals in the said individual inventory.

22. (Currently Amended) The system of claim [19] 18, wherein the predetermined formula is the sum of the products of index values and coefficients the means for determining the price comprises:

means for accessing an index of each of said predetermined constraints associated with each of said one or more target users;

means for specifying, by the advertiser, a coefficient of each of said predetermined constraints associated with each of said one or more target users;

means for determining a demand for a target user based on the index and the coefficient of each of the predetermined constraints associated with the target user;

means for calculating an individual price for delivering the advertisement to a target user based on the demand for the target user and

means for computing the price for delivering the advertisement to the one or more target users based on the calculated individual prices.

23. (Currently Amended) A method for an advertiser to order an advertising spot for an advertisement over a data network to be transmitted to one or more target users during transmission of a motion picture, comprising:

transmitting, to a broadcaster over a data network, one or more predetermined constraints defining desired characteristics of the one or more target users that the advertiser desires to receive the advertisement to whom the advertiser desires to deliver an advertisement that fills an advertising spot embedded within a motion picture;

receiving, from the broadcaster over the data network, an offer from the broadcaster to purchase an said advertising spot at a price, wherein the price is determined by the broadcaster by

comparing the one or more predetermined constraints to profiles of a plurality of individuals to locate matches there between, the matches identifying the one or more target users identify target users whose profiles match with the one or more predetermined constraints, and

calculating, based on the identified one or more target users, the price based on a predetermined formula for delivering the advertisement to the identified one or more target users; and

transmitting, to the broadcaster over the data network, an order for the advertising spot to the broadcaster.

24. (Currently Amended) The method of claim 1, further including the step of comprising the step of transmitting the advertisement within the advertising spot to the one or more target users during transmission of the motion picture.

25. (Currently Amended) The method of claim 1, further including the step of comprising the step of providing, to the advertiser over the data network, demographic

information characterizing the said one or more target users that receive the advertisement identified based on said one or more predetermined constraints.

26. (Currently Amended) The method of claim [4] 1, wherein ~~the predetermined formula accounts for~~ said determining the price takes into account a demand for the said one or more target users.

27. (Currently Amended) The method of claim [4] 1, wherein ~~the predetermined formula accounts for~~ said determining the price takes into account a relationship between a supply and a demand for the said plurality of individuals in the said individual inventory.

28. (Currently Amended) The method of claim ~~23~~ 1, wherein ~~the predetermined formula in the sum of the products of index values and coefficients~~ further comprising the step of receiving, from said broadcaster over said data network, demographic information characterizing said one or more target users identified based on said one or more predetermined constraints.

29. (Canceled)

30. (Currently Amended) The method of claim 7, further ~~including the step of~~ comprising the step of providing, to the advertiser over the data network, demographic information characterizing the said one or more target users identified based on the said one or more predetermined constraints.

31. (New) The method of claim 1 wherein said advertisement spot is in a television broadcast.

32. (New) The method of claim 7 wherein said advertisement spot is in a television broadcast.

33. (New) The method of claim 8 wherein said advertisement spot is in a television program.

34. (New) The article of claim 9 wherein the machine selects an advertising spot within a television program.

35. (New) The system of claim 18 wherein the advertising spot to be filled with and advertisement is located within a television program.



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36. (New) The system of claim 23 wherein the advertising spot is in a television program.

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